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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,443	08/24/2001	E. Mark Evers	JUBB 301	3643

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EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/939,443

Applicant(s)

EVERS ET AL.

Examiner

Pierre E. Elisca

Art Unit

3621



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to Applicant's Response, filed on 4/18/2004.
2. Claims 1-8 are pending.
3. The rejection to claims 1-4 and 8 under 35 U.S.C. 103 (a) as being unpatentable over Suzuki in view of Nishioka and to claims 5-7 under 35 U.S.C. 103 (a) as being unpatentable over Suzuki and Nishioka in view of Kaneko as set forth in the Office action mailed on 10/14/2003 is maintained.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 and 8 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Suzuki et al (U.S. Pat. No. 5,946,665) in view of Nishioka et al (U.S. Pat. No. 5,995,626).

As per claims 1-4 and 8 Suzuki substantially discloses a search server system in an online shopping system that uses a communications network to provide shopping information for a customer, wherein traditional third-party participation or intermediary is absent, comprising:

Art Unit: 3621

Establishing a participating group of vendors of products and/or services, qualifying vendors in the group, and connecting this group to such a network (see., abstract, specifically wherein it is stated that a customer wishes to refer to or buy goods, col 1, lines 32-67),

Establishing a participating group of purchasers of such products and/or services and qualifying these purchasers (see., abstract, col 1, lines 32-67, specifically wherein it is stated that obtained stores and/or malls are then indicated as a list so that the customer may easily recognize them (them or malls or stores or products),

Creating for each purchaser, and based upon the above-recited qualifying activities, a personal package of pre-agreed upon, developed and qualified commercial relationships in the forms of data specially associating that purchaser with selected ones of such vendors (see., abstract, col 1, lines 32-67, col 4, lines 1-51, specifically wherein said request (or creating) for a visual indication for the indicated list of stores). It is to be noted that Suzuki fails to explicitly disclose a personal network-access key which contains information fully allowing that purchaser. However, Nishioka discloses an electronic shopping system by which an order of products to be purchased by a user is encrypted/decrypted by cryptographic keys (see., abstract, col 5, lines 1-67, col 6, lines 1-67). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the online shopping system of Suzuki by including the limitation detailed above as taught by Nishioka because this would carry out the authentication in which the legality of the information relating to the user can be surely authenticated using cryptographic keys.

6. Claims 5-7 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Suzuki and Nishioka in view of Kaneko (U.S. Pat. No. 5,983,199).

As per claims 5-7, Suzuki substantially discloses a search server system in an online shopping system that uses a communications network to provide shopping information for a customer, wherein traditional third-party participation or intermediary is absent, comprising:

Establishing a participating group of vendors of products and/or services, qualifying vendors in the group, and connecting this group to such a network (see., abstract, specifically wherein it is stated that a customer wishes to refer to or buy goods, col 1, lines 32-67),

Establishing a participating group of purchasers of such products and/or services and qualifying these purchasers (see., abstract, col 1, lines 32-67, specifically wherein it is stated that obtained stores and/or malls are then indicated as a list so that the customer may easily recognize them (them or malls or stores or products),

Creating for each purchaser, and based upon the above-recited qualifying activities, a personal package of pre-agreed upon, developed and qualified commercial relationships in the forms of data specially associating that purchaser with selected ones of such vendors (see., abstract, col 1, lines 32-67, col 4, lines 1-51, specifically wherein said request (or creating) for a visual indication for the indicated list of stores). It is to be noted that Suzuki fails to explicitly disclose a personal network-access key which contains information fully allowing that purchaser. However, Nishioka discloses

Art Unit: 3621

an electronic shopping system by which an order of products to be purchased by a user is encrypted/decrypted by cryptographic keys (see., abstract, col 5, lines 1-67, col 6, lines 1-67). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the online shopping system of Suzuki by including the limitation detailed above as taught by Nishioka because this would carry out the authentication in which the legality of the information relating to the user can be surely authenticated using cryptographic keys.

Suzuki and Nishioka fail to explicitly disclose a connected purchaser of the specific set of protocols defined for. Kaneko discloses a WWW server and an exchange that connected in one-to-one protocol (PPP) correspondence. The exchange finally receives a PPP dial-up from a user device and thus can be informed of the originating number of the user device). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Suzuki and Nishioka by including the limitation indicated above as taught by Kaneko because this would provide users identification based on the user's protocol.

RESPONSE TO ARGUMENTS

7. Applicant's arguments filed on 4/18/2004 have been fully considered but they are not persuasive.

REMARKS

Art Unit: 3621

8. In response to Applicant's arguments, Applicant argues that the prior art of record taken alone or in combination fail to disclose:

- a. "Establishing a participating group of purchasers of such products and/or services and qualifying these purchasers". As indicated above, this limitation is disclosed by Suzuki in the abstract, col 1, lines 32-67, specifically wherein it is stated that obtained stores and/or malls are then indicated as a list so that the customer may easily recognize them (them or malls or stores or products).
- b. "Creating for each purchaser, and based upon the above-recited qualifying activities, a personal package of pre-agreed upon, developed and qualified commercial relationships in the forms of data specially associating that purchaser with selected ones of such vendors. Based upon the forgoing rejection detailed above, it is believed that Suzuki discloses this limitation in the abstract, col 1, lines 32-67, col 4, lines 1-51, specifically wherein said request (or creating) for a visual indication for the indicated list of stores).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3621

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Pierre Eddy Elisca

Primary patent Examiner

August 10, 2004